

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2109

Introduced by Assembly Member Ruskin

February 18, 2010

An act to amend Section ~~71090.5~~ 71092 of, and to add Section 70900.7 to, the Education Code, and to amend Section 11000 of the Government Code, relating to the California Community Colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 2109, as amended, Ruskin. California Community ~~Colleges~~.
Colleges: employees: appointments.

(1) Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law requires the board of governors to appoint a chief executive officer, known as the Chancellor of the California Community Colleges, and requires the chancellor to execute the duties and responsibilities delegated to him or her by the board of governors.

~~Existing law requires the Governor to appoint up to 6 deputy and vice chancellors of the community colleges recommended by the board of governors and exempts those deputy and vice chancellors from state civil service.~~

~~This bill would increase the number of deputy and vice chancellors that the Governor is required to appoint up to 8 deputy and vice chancellors recommended by the board of governors.~~

The bill would also express the intent of the Legislature that, ~~before~~ *any* legislation that, by its terms, applies to the state or its agencies,

departments, or boards, ~~may shall not~~ apply to the California Community Colleges, ~~unless~~ that legislation ~~should be~~ *is directly* compatible with the mission and functions of the California Community Colleges. The bill would express legislative intent that the California Community Colleges not be governed by any statute enacted after January 1, 2011, ~~that does not amend a previously applicable act and that applies generally to the state or to state agencies, departments, or boards,~~ unless the statute expressly provides that the California Community Colleges are to be governed by that statute.

(2) *Existing law requires the board to employ and fix the compensation of certain employees as it deems necessary for the effective conduct of the work of the board and the chancellor's office.*

Notwithstanding any other provision of law, this bill would authorize the board to appoint an individual without permanent civil service status to a position classified as a career executive assignment if the individual has a minimum of 5 years' work experience in certain capacities. This bill would prohibit individuals accepting these appointments from having a right of return to state civil service upon termination of employment.

(2)

(3) Existing law defines "state agency," for the purposes of numerous statutes in the Government Code, to include every state office, officer, department, division, bureau, board, and commission, except that, for these purposes, "state agency" does not include the California State University, with respect to specified statutes that are added or amended effective on or after January 1, 1997, unless a statute explicitly provides that it applies to the university.

This bill would amend that definition to specify that "state agency" for these purposes also does not include the California Community Colleges, with respect to specified statutes that are added or amended effective on or after January 1, 2011, unless a statute explicitly provides that it applies to the California Community Colleges.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

1 (a) California Community College students are served by 112
2 colleges, 72 community college districts, and a state agency system
3 office that is led by the Chancellor of the California Community
4 Colleges on behalf of the 17-member Board of Governors of the
5 California Community Colleges.

6 (b) The responsibilities of the Office of the Chancellor of the
7 California Community Colleges have grown in scope and
8 complexity in the past decade, while staffing has been reduced
9 from 250 to 161 state employees.

10 (c) The chancellor's office is responsible for the annual
11 distribution of Proposition 98 community college apportionments,
12 fiscal and program oversight, facilities planning, overseeing the
13 development and coordination of information technology,
14 systemwide budget and legislative advocacy, and policy and
15 leadership guidance.

16 (d) The Chancellor of the California Community Colleges plays
17 a pivotal role in leading the system in working through this
18 challenging time, while continuing to find new and innovative
19 approaches to providing community college access and success.
20 Success in this endeavor will greatly enhance the state's ability to
21 retool the workforce and reinvigorate the state's economy.

22 (e) The existing governance structure of the California
23 Community Colleges prevents the chancellor's office from
24 providing effective direction, leadership, and oversight to the
25 community college districts. As a state agency, the chancellor's
26 office is unable to respond with the speed, authority, and efficiency
27 required to meet the needs of students. To function more effectively
28 the Office of the Chancellor of the California Community Colleges
29 should have greater flexibility with respect to requirements imposed
30 by the state, at a level that is similar to the flexibility of the
31 administrative offices of the University of California and California
32 State University.

33 SEC. 2. Section 70900.7 is added to the Education Code, to
34 read:

35 70900.7. Recognizing the unique mission and functions of the
36 California Community Colleges among the departments, agencies,
37 and boards of the state, it is the intent of the Legislature that both
38 of the following occur:

39 (a) ~~Before~~ Any legislation that, by its terms, applies to the state
40 or its agencies, departments, or boards, ~~may~~ *shall not* apply to the

1 California Community Colleges, *unless* the legislation ~~should be~~
2 *is directly* compatible with the mission and functions of the
3 California Community Colleges *as set forth in this division*.

4 (b) The California Community Colleges *shall* not be governed
5 by any statute enacted after January 1, 2011, ~~that does not amend~~
6 ~~a previously applicable act and that applies generally to the state~~
7 ~~or to state agencies, departments, or boards~~, unless the statute
8 expressly provides that the California Community Colleges are to
9 be governed by that statute.

10 SEC. 3. ~~Section 71090.5 of the Education Code is amended to~~
11 ~~read:~~

12 ~~71090.5. In addition to the position authorized by subdivision~~
13 ~~(e) of Section 4 of Article VII of the California Constitution, the~~
14 ~~Governor, with the recommendation of the board of governors,~~
15 ~~shall appoint up to eight deputy and vice chancellors, who shall~~
16 ~~be exempt from state civil service. The appointments shall not~~
17 ~~exceed an aggregate total of eight, for the positions of both deputy~~
18 ~~and vice chancellor.~~

19 SEC. 3. *Section 71092 of the Education Code is amended to*
20 *read:*

21 71092. (a) The board of governors shall employ and fix the
22 compensation, in accordance with law, of assistants, clerical, and
23 other employees as it deems necessary for the effective conduct
24 of the work of the board and the chancellor's office.

25 (b) (1) *Notwithstanding any other law, the board of governors*
26 *may appoint an individual without permanent civil service status*
27 *to a position classified as a career executive assignment if the*
28 *individual has a minimum of five years' work experience in any*
29 *of the following capacities:*

30 (A) *A local community college position.*

31 (B) *A higher education policy position.*

32 (C) *A technical or occupational capacity for which there is a*
33 *demonstrated shortage of qualified workers.*

34 (2) *Individuals accepting an appointment pursuant to this*
35 *subdivision shall not have a right of return to the state civil service*
36 *upon termination of the appointment.*

37 ~~(b)~~

38 (c) *Notwithstanding Section 19849.5 of the Government Code,*
39 *the Board of Governors of the California Community Colleges*

1 shall designate the headquarters for each of its employees, except
2 as provided in Section 71004.

3 SEC. 4. Section 11000 of the Government Code is amended
4 to read:

5 11000. (a) (1) As used in this title, “state agency” includes
6 every state office, officer, department, division, bureau, board, and
7 commission.

8 (2) As used in any section of this title that is added or amended
9 effective on or after January 1, 1997, “state agency” does not
10 include the California State University unless the section explicitly
11 provides that it applies to the university.

12 (3) As used in any section of this title that is added or amended
13 ~~effective on or~~ after January 1, 2011, “state agency” does not
14 include the California Community Colleges unless the section
15 explicitly provides that it applies to the community colleges.

16 (b) References to particular state agencies in this title, without
17 further identification, such as to the “Treasurer” or “Department
18 of General Services,” are references to the state officer or agency
19 known by that name.